

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 472
Second Edition Engrossed 4/5/05

Short Title: Child Exploitation Prevention Act. (Public)

Sponsors: Senators Thomas; Apodaca, Atwater, Berger of Franklin, Boseman,
Garwood, Graham, Kinnaird, Swindell, and Weinstein.

Referred to: Judiciary II.

March 10, 2005

A BILL TO BE ENTITLED

AN ACT TO PROTECT CHILDREN FROM SEXUAL PREDATORS BY ALSO
MAKING IT A FELONY CRIMINAL OFFENSE TO SOLICIT A PERSON THE
PERPETRATOR BELIEVES TO BE A CHILD TO COMMIT UNLAWFUL SEX
ACTS, AND TO REQUIRE PERSONS CONVICTED OF THIS OFFENSE TO
REGISTER AS SEX OFFENDERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-202.3 reads as rewritten:

"§ 14-202.3. **Solicitation of child by computer to commit an unlawful sex act.**

(a) Offense. – A person is guilty of solicitation of a child by a computer if the person is 16 years of age or older and the person knowingly, with the intent to commit an unlawful sex act, entices, advises, coerces, orders, or commands, by means of a computer, a child who is less than 16 years of age and at least 3 years younger than the defendant, or a person the defendant believes to be a child who is less than 16 years of age and who the defendant believes to be at least 3 years younger than the defendant, to meet with the defendant or any other person for the purpose of committing an unlawful sex act. Consent is not a defense to a charge under this section.

(b) Jurisdiction. – The offense is committed in the State for purposes of determining jurisdiction, if the transmission that constitutes the offense either originates in the State or is received in the State.

(c) Punishment. – A violation of this section is a Class I felony."

SECTION 2. G.S. 14-208.6(5) reads as rewritten:

"(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or

1 permitting minor to assist in offenses against public morality and
2 decency), G.S. 14-190.16 (first degree sexual exploitation of a minor),
3 G.S. 14-190.17 (second degree sexual exploitation of a minor),
4 G.S. 14-190.17A (third degree sexual exploitation of a minor),
5 G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19
6 (participating in the prostitution of a minor), ~~G.S. 14-202.1 (taking~~
7 indecent liberties with children), or G.S. 14-202.3 (Solicitation of child
8 by computer to commit an unlawful sex act). The term also includes
9 the following: a solicitation or conspiracy to commit any of these
10 offenses; aiding and abetting any of these offenses."

11 **SECTION 3.** This act becomes effective December 1, 2005, and applies to
12 offenses committed on or after that date.